

of exploring what more comprehensive settlement we might reach with regard to the status of sound recordings under the copyright law, which will allow them to continue their creative works.

Mr. LEAHY. Mr. President, more than a week ago I came to the floor to be sure the record was clear that all Democrats had cleared for final passage H.R. 5107, the Work for Hire and Copyright Corrections Act of 2000. I urged the Senate to take up H.R. 5107 without further unnecessary delay. I am glad that the majority has finally decided that action on this consensus bill is appropriate. I still do not know what caused the unexplained 2-week delay on the Republican side.

Representatives BERMAN and COBLE deserve credit, along with the interested parties, for working out a consensus solution in this legislation. The purpose of this bill is to restore the status quo ante, as it existed before November 29, 1999 regarding whether a sound recording can qualify as a "work made for hire" under the second part of the definition of that term in section 101 of the Copyright Act, and to do so in a manner that does not prejudice any person or entity that might have interests concerning this question. The House held an oversight hearing to explore this matter earlier this year and originated this legislation. This bill restores the law to the same place it was before the enactment of section 1101(d) of the Intellectual Property and Communications Omnibus Reform Act of 1999, as enacted by section 1000(a)(9) of Public Law Number 106-113, so that neither side is prejudiced by what was enacted at the end of 1999 or by what is being enacted now. This bill does not express or imply any view as to the proper interpretation of the work made for hire definition before November 29, 1999. Thus, neither the enactment of section 1101(d) nor this bill's deletion of that language are to be considered in any way or otherwise given any effect by a court or the Copyright Office when interpreting the work made for hire definition.

I congratulate Congressmen BERMAN and COBLE on final passage of this measure.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5107) was read the third time and passed.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar:

Nos. 715 and 716. I finally ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### DEPARTMENT OF DEFENSE

Robert N. Shamansky, of Ohio, to be a Member of the National Security Education Board.

Robert B. Pirie, Jr., of Maryland, to be Under Secretary of the Navy.

Mr. MURKOWSKI. Those confirmed are Robert Shamansky, to be a member of the National Security Education Board, and Robert Pirie to be Under Secretary of the Navy. I wish them congratulations.

#### DIRECTING THE RETURN OF CERTAIN TREATIES TO THE PRESIDENT

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 267) directing the return of certain treaties to the President.

There being no objection, the Senate proceeded to consider the resolution.

#### AMENDMENT NO. 4313

Mr. MURKOWSKI. Senator HELMS has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] for Mr. HELMS, proposes an amendment numbered 4313.

The amendment is as follows:

(Purpose: To remove from the list of treaties required to be returned to the President a mutual legal assistance treaty between the United States and Nigeria)

On page 5, strike lines 7 through 11.

On page 5, lines 12, strike "(18)" and insert "(17)".

Mr. MURKOWSKI. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4313) was agreed to.

Mr. MURKOWSKI. I ask unanimous consent the resolution, as amended, be agreed to, the motion to reconsider be laid upon the table, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 267), as amended, was agreed to, as follows:

[The resolution will be printed in a future edition of the RECORD.]

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106-49

Mr. MURKOWSKI. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on October 12, 2000, by the President of the United States: International Convention for Suppression of Financing Terrorism (Treaty Document No. 106-49).

Further, I ask unanimous consent that the convention be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

#### *To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Convention for the Suppression of the Financing of Terrorism, adopted by the United Nations General Assembly on December 9, 1999, and signed on behalf of the United States of America on January 10, 2000. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

In recent years, the United States has increasingly focused world attention on the importance of combating terrorist financing as a means of choking off the resources that fuel international terrorism. While international terrorists do not generally seek financial gain as an end, they actively solicit and raise money and other resources to attract and retain adherents and to support their presence and activities both in the United States and abroad. The present Convention is aimed at cutting off the sustenance that these groups need to operate. This Convention provides, for the first time, an obligation that States Parties criminalize such conduct and establishes an international legal framework for cooperation among States Parties directed toward prevention of such financing and ensuring the prosecution and punishment of offenders, wherever found.

Article 2 of the Convention states that any person commits an offense within the meaning of the Convention "if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out"